

Environmental Counseling

Stinson offers clients extensive experience with environmental, health and safety laws, the Environmental Protection Agency (EPA) and other federal, state and local environmental agencies. Our attorneys have broad industry knowledge and seek to understand our clients' physical facilities, operations and business objectives—all of which are integral to effective environmental counseling. In addition, our attorneys have participated in the writing of a number of significant environmental laws and policies at the state level, and have been heavily involved in commenting on and challenging federal environmental rulemakings.

We put our experience to work assisting businesses, trade groups and local governments of all sizes and types in navigating the complexities of environmental compliance and disputes. Our broad and long-term environmental experience also allows us to develop proactive strategies which help avoid agency scrutiny. At Stinson, effective environmental counseling involves combined experience in permitting, commenting on and implementing proposed and new applicable rules, defending against federal and state enforcement, negotiating transactions and litigating environmental claims that may arise in a wide array of contexts. Through our industry involvement, our attorneys are able to develop a thorough understanding of our clients' business objectives and operations, enabling us to provide practical advice that clients can implement to ensure compliance with the environmental and regulatory requirements.

CAPABILITIES

Our ability to effectively assist our clients is based on our comprehensive and nuanced understanding of the requirements and evolving nature of the applicable federal and state laws, including:

- Clean Air Act (CAA)
- Clean Water Act (CWA)
- Resource Conservation and Recovery Act (RCRA)
- Emergency Planning and Community Right-to-Know Act (EPCRA)
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- National Environmental Policy Act (NEPA)
- Federal and state waters and wetlands laws

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- Federal Insecticide Rodenticide Act (FIFRA)
- Occupational Safety and Health Act (OSHA)
- Mining Safety and Health Act (MSHA)
- Oil Pollution Act (OPA)
- Endangered Species Act (ESA)
- National Historic Preservation Act (NHPA)
- State utility rate proceedings
- Toxic Substances Control Act (TSCA)
- Climate Change Mitigation and Adaptation

EXPERIENCE

Stinson clients have a variety of needs with respect to environmental, health and safety issues. Our attorneys routinely assist clients with the following issues:

Regulatory Compliance: We counsel our clients to ensure that their day-to-day business operations comply with federal, state and local environmental, health and safety laws, and identify potential compliance concerns before they trigger enforcement actions.

Regulatory Permitting: When clients acquire, expand, change or sell their business operations, we guide them through the permitting process to obtain, transfer or modify the necessary regulatory permits, including permits required for wetlands, air emissions, hazardous waste, solid waste, stormwater and wastewater. We also help implement permits and other environmental compliance obligations throughout operations.

Environmental, Health and Safety Enforcement Defense: Our attorneys often defend clients against environmental, health and safety enforcement actions under a variety state and federal laws. This defense can take many forms, including client counseling for corrective actions, negotiation with the appropriate agencies to reduce or eliminate penalties, administrative challenges and litigation.

Environmental Due Diligence and Transactional Work: Real estate and corporate transactions and development projects frequently involve environmental issues that can trap the unwary. Our attorneys identify potential environmental pitfalls, conduct environmental due diligence and provide practical solutions for negotiating a resolution of any environmental issues and minimizing environmental risks. We also work with new owners to remedy any past noncompliance and implement environmental programs as they undertake operations.

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Liability for Cleanup: When clients face potential liability for the cleanup of hazardous substances or waste, we not only coordinate an effective defense against such liability but also develop and implement strategies to recover cleanup costs from responsible parties and insurers. We have also defended CERCLA cases brought by EPA or Potentially Responsible Parties (PRPs), and have brought actions on behalf of our clients against PRPs for cost-recovery and contribution of Superfund cleanups.

Water and Wetlands: We assist clients with all aspects of water and wetlands law, including ground and surface water appropriation, NEPA compliance, NPDES permitting and compliance, Section 404 and nationwide permits, stormwater regulation, public waters work permits, wetlands regulation and banking, public and private drainage systems, watershed regulation, and other issues. Additionally, in conjunction with our real estate department, we help clients address complex title issues concerning riparian rights and property lines within lakes and rivers.

Water Rights and Resources: We assist clients with the rules and procedures governing water allocation and administration. Our lawyers represent farmers, land developers, cities and municipalities, property owners, and other entities in legal matters involving water rights. While our attorneys aim to resolve water rights matters outside of the litigation process, our lawyers are seasoned trial and appellate attorneys who have experience litigating conflicts and disputes over water rights.

Brownfields Redevelopment: By combining a thorough understanding of environmental and technical issues with our experience in real estate and public finance, we are able to help clients pursue contaminated and blighted properties for future redevelopment and community enhancement, navigate all aspects of brownfield redevelopment, and help clients obtain public funding for the purchase and redevelopment of brownfield sites.

Mining and Mineral Management: Our attorneys assist members of the mining community in exploring, developing and managing a variety of mineral resources on federal, state and private lands. Our representation includes, among other things, negotiation of mineral and mining leases, protecting outstanding and reserved mineral rights, title examination, governmental and community relations, and litigation affecting mining projects, in addition to traditional environmental compliance work for mining companies.

National Environmental Policy Act Reviews: Our clients' business objectives often involve projects that trigger federal and/or state environmental review. Our attorneys effectively coordinate such environmental review from start to finish by collaborating with a team of technical consultants, developing plans for working with agencies and communities and defending our clients' projects from environmental review challenges.

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Endangered Species Act Analysis and Compliance: Our environmental attorneys work on various transactions and permitting efforts which involve the Endangered Species Act and similar state and federal laws affecting protected species, including traditional and renewable energy projects, pipeline and transmission line projects, large-scale industrial and commercial developments that trigger endangered and threatened species protections. Stinson attorneys deal with incidental take permits, Safe Harbor Agreements, and supporting studies and mitigation efforts, and work closely with consultants to identify strategies to avoid impacts to protected species and habitats.

Health and Safety: We provide counseling to obtain and maintain compliance with OSHA and state plan state safe workplace requirements. We also work proactively to understand new and emerging regulations and enforcement initiatives. Our attorneys have assisted with OSHA inspections, responses to notices of alleged hazards, defense of OSHA Citations and whistleblower actions. We also assist clients looking to enhance safety procedures through internal audits and implementation of corrective actions as well as safe workplace procedure development and counseling.

Climate Change: Our attorneys have counseled on nearly all federal climate change regulations implemented during the last decade. We stay on top of potential new climate change laws, as they continue to evolve at all levels of government. Our understanding is well-rounded given our evaluations, participation in development and implementation of prior regulations. This context allows us to understand the specific impacts of such laws on our clients' businesses operations, and remain well-equipped to move quickly to understand and problem-solve when new regulations are proposed. In cooperation with attorneys in our Energy, Construction, and Real Estate practices, we have worked with clients to apply for carbon credits, submit plans for carbon capture and sequestration, trade NOx and Sox allowances, develop renewable energy, negotiate power purchase agreements and lobby legislatures and state agencies with respect to climate change issues.

Administrative Proceedings and Litigation: When our clients are unable to resolve their environmental, health and safety concerns without litigation, we have the experience necessary to achieve their goals in court or the administrative hearing room. We capitalize on our knowledge to thoroughly prepare consultants to provide authoritative testimony that translates complex legal and technical issues into concepts that a court or agency can easily digest.

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RELATED CAPABILITIES

Environmental & Natural Resources

Energy

Environmental Litigation

Real Estate & Public Finance

NEWS

Brittany Barrientos Selected as Stinson's 2024 D&I Champion Award Winner

06.21.2024

Missouri Lawyers Media Recognizes Stinson Environmental Law Attorneys as Best in State

11.13.2023

Stinson Attorneys Selected to LCLD 2023 Fellows and Pathfinder Programs

03.06.2023

Three Stinson Attorneys Named to Environmental and Energy Law "POWER LIST"

11.30.2022

Micah Revell and Kevin Savory Examine Renewable Energy Tax Credit Proposals in *Bloomberg Tax* Article

03.25.2022

Stinson Establishes Infrastructure Task Force to Support Clients

03.08.2022

Byron Starns Selected to Receive 2021 Minnesota Icon Award

11.19.2021

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PUBLICATIONS

Council on Environmental Quality Publishes Phase 2 NEPA Rule

05.06.2024

Minnesota Announces PFAS Rulemaking

09.18.2023

EPA Takes Significant Step Toward PFAS Regulation

02.25.2020

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